

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
CRIMINAL DOCKET NO.: 5:04CR22**

**UNITED STATES OF AMERICA**

**vs.**

**JOSE MANUEL FLORES,**

**Defendant**

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**ORDER**

**THIS MATTER** is before the Court on Defendant's Letter/Motion Requesting Credit for Time Served in State Custody, filed September 1, 2006.

On July 22, 2004, Defendant pled guilty to a charge of possession of a firearm by a convicted felon. On October 4, 2004, this Court sentenced Defendant to 27 months imprisonment. Judgment was entered on October 26, 2004. Defendant did not file a notice of appeal or a motion to vacate pursuant to 28 U.S.C. § 2255. However, Defendant now asks the Court to have his federal sentence run concurrently with the time he served in state custody.

While the Court often receives inquiries regarding credit for time served, it has no authority to determine how much credit is warranted without a proper action brought after the exhaustion of administrative remedies. Thus, before the Court can involve itself in this matter, the Bureau of Prisons first must make a determination of an amount of credit due, if any.

**IT IS, THEREFORE, ORDERED** that Defendant's Letter/Motion Requesting Credit for Time Served in State Custody is hereby **DENIED**.

Signed: October 2, 2006

A handwritten signature in black ink, reading "Richard L. Voorhees". The signature is written in a cursive style with a horizontal line drawn through the middle of the letters.

Richard L. Voorhees  
United States District Judge

